

REMARKS

Claims 1-4, 6-8 and 16-19 remain pending in this application.

Claims 1-4, 6-8 and 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu et al. (U.S. Patent No. 6,764,884; hereinafter Yu) in view of Hirano et al. (U.S. Patent No. 6,699,758; hereinafter Hirano). The rejection is respectfully traversed.

The present application and Yu were both commonly assigned or subject to an obligation or assignment to Advanced Micro Devices, Inc. at the time the applicants' invention was made. The applicants note that the assignment for the present application has been recorded on Reel 014562, Frame 0837. Yu, therefore, cannot preclude patentability under 35 U.S.C. § 103 in light of the American Inventors Protection Act of 1999 (hereinafter AIPA), effective for all applications filed on or after November 29, 1999.

Section 103(c) of 35 U.S.C. states: "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The present application was filed on October 1, 2003, which is after the November 29, 1999 enactment date of this provision of the AIPA. This filing date of October 1, 2003 is also before the July 20, 2004 issue date of Yu. Thus, Yu would qualify as prior art with respect to the present application only under subsection (e) of 35 U.S.C. § 102. Since the present application and Yu were both commonly assigned or subject to an obligation or assignment to Advanced Micro Devices, Inc., Yu cannot be used to preclude patentability of the present invention under 35 U.S.C. § 103.

For at least this reason, withdrawal of the rejection and allowance of claims 1-4, 6-8 and 16-19 are respectfully requested.

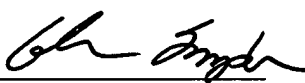
CONCLUSION

In view of the foregoing remarks, the applicants respectfully request withdrawal of the outstanding rejection and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 
Glenn Snyder
Reg. No. 41,428

Date: July 15, 2005

11240 Waples Mill Road
Suite 300
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808